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10/816,031	03/31/2004	Louis A. Lippincott	ITL1713US (P18841)	9305
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EXAMINER				
MARANDI, JAMES R				
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2421				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,031

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

JAMES R. MARANDI

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-19, 21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-19, 21, 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application, on 3/3/09, after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/09 has been entered.

Response to Amendment

2. This action is in response to applicant's amendment filed on 10/30/2008. Claims 1-5, 7-19, 21, and 23-27 are presently pending. Claims 6, 20, and 22 have been cancelled.

Response to Arguments

3. Applicant's arguments filed 3/3/09 have been fully considered but they are not persuasive.

Applicant states that "***Claim 1 has been amended to call for a rate control unit to adjust a bit rate of an output from said compression block by adjusting quantization parameters.***" Page 6 of Remarks, 1st Paragraph

Examiner asserts that Moroney's system, as shown in Fig. 2, discloses a quantizer 175 with a variable quantization level Q2. Q2 is controllable by the user and changes the output rate (Col. 4, lines 45- 49).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 7, 9-11, 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul Moroney, USPN 6,532,593 (herein after "Moroney").

6. Regarding claim 1, Moroney discloses **a system, comprising:**

a decoder to decode encoded video information having a first format (Fig. 2, 210) into intermediate video information and to extract motion vectors from the encoded video information (Motion Vectors-MV- are extracted at 115 and send to 135 and 194), see Col. 4 line 6- Col. 5, line 23,;

a compression block (250) to encode the digital data into output video information having a second format using the motion vectors extracted from the encoded video information (Motion Vectors –MV- are supplied and used in 194 of compression block 250);

a rate control unit to adjust a bit rate of an output from said compression block by adjusting quantization parameters (Fig. 2, quantizer 175, quantization level Q2 is controllable by the user and changes the output rate; Col. 4, lines 45- 49); and

a device to store the output video information from the compression block (Fig. 4, 470; Col. 6, line 50 through Col. 7, line 33).

6.1. Regarding claim 2, **wherein the first format and the second format have a common format, see Moroney Col 5, lines 13- 24.**

6.2. Regarding claim 5, **wherein the decoder is arranged to extract quantization data, picture data, or error data from the encoded video information**, see Col. 3, lines 58-62, Fig. 2, Col. 5, lines 13- 18) .

6.3. Regarding claim 7, **wherein the intermediate video information includes digital pixel information**, Moroney discloses in Fig. 2 that the digital pixel information is provided to adder 130 and upon further processing output to 160 (Col. 4, lines 15- 44).

7. Regarding claim 9, Moroney disclose **a method, comprising:**

extracting motion information from an encoded video stream (Fig. 2, Motion Vectors-MV- are extracted at 115 and sent to 135 and 194; see Col. 4 line 6 through Col. 4, line 23);

converting the encoded video stream to an intermediate video stream (the stream between elements 130 and 160);

compressing the digital stream into an output video stream using the motion information extracted from the encoded video stream (Motion Vectors – MV- are supplied and used in 194 of compression block 250) ; **and**

adjusting a bit rate of the compressed digital stream by adjusting quantization parameters (Fig. 2, quantizer 175, quantization level Q2 is controllable by the user and changes the output rate; Col. 4, lines 45- 49);

7.1. Regarding claim 10, **extracting includes: obtaining quantization data or picture data from the encoded video stream** (Fig. 2, picture data is obtained at 115), **and wherein the encoding includes encoding the intermediate video steam using the motion information and the quantization data or the picture data obtained from the encoded video stream** (picture information from 115 is supplied to encoder/compressor section 250 at 194 via link 220).
Also see Col. 4 line 6- Col. 5, line 23.

7.2. Regarding claim 11, **wherein the converting includes: decoding the encoded video stream to generate a stream of uncompressed pixel data**, the stream between elements 130 and 160 (Fig. 2) is uncompressed.

7.3. Regarding claim 13, **wherein the encoded video stream and the output video stream share a common encoding format**, see Moroney Col 5, lines 13- 24.

7.4. Regarding claim 14, Moroney discloses **the encoded video stream** (transcoder input) **and output video streams** of a transcoder may have **different encoding formats** (such as HD TV to SD TV, or MPEG-1 to MPEG-2 (Col. 3, lines 26-35).

7.5. Regarding claim 15, **storing the output video stream**; (Moroney's Fig. 4, 450, and 470; Col. 7, lines 3- 33)

7.6. Claim 16 is rejected by the same analysis as claim 15.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of A.C.W. Lai et al., USPGPUB 2002/0190876 (hereinafter "Lai")

9.1. Regarding claim 3, **wherein the common format includes MPEG-1, MPEG-2, MPEG-4, H.264, Windows Media Video version 9 (WMV9) or Advanced Video System (AVS)**; Moroney discloses transcoding from one format to another and provides examples such as HD TV to SD TV, or MPEG-1 to MPEG-2 (Col. 3, lines 26-35).

Moroney does not disclose MPEG-4 and Windows Media Version 9, H.264, or Advanced Video System.

However, Lai, in analogous art, discloses transcoding and conversion of **MPEG-4** and **Windows Media**, and **H.263** (¶¶ [8] and [63], and tables 2-5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Moroney with Lai's invention in order to transcode a wide variety of formats in support of various user systems/applications to meet user needs.

As to **version 9 of Windows Media, H.264, and Advanced Media System**, official notice is taken that it would have been obvious to an artisan at the time of invention to add multitude of additional formats to the conversion capabilities of the system of Moroney and Lai in order to further support user needs.

9.2. Claim 4 is rejected by the same analysis as claim 3.

10. Claims 8, 12, 17- 19, 21, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of Nicola John Fedele, USPN 5,920,354 (hereinafter "Fedele").

10.1. Regarding claim 8, Moroney does not explicitly disclose **including: an output port to output the intermediate video information.**

However, Fedele discloses the intermediate analog signal (between 120 and 150 in Fig. 1) to be of YIQ format.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Moroney with Fedele's invention in order to provide an intermediate display for monitoring of intermediate signal information.

10.2. Regarding claim 12, Moroney does not disclose **converting the stream to analog and then to a digital stream.**

However, Fedele, in analogous art, discloses: **Converting the stream to analog** (Fig. 1, the digital data form 110 is converted by 120 to analog YIQ; Col. 3, lines 10- 15); **and then to a digital stream** (150, Digital NTSC Interface, Col.3, lines 15- 23).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Moroney with Fedele's invention in order to have an analog intermediary signal to be supplied to analog receivers and offer transcoding possibilities for a variety of video formats.

11.Regarding claim 17, Moroney discloses **an apparatus, comprising:**

a device to extract motion vectors from the input media information (Fig. 2, decoder section 210, MVs are extracted at 115); **and converting the input bit stream into output media information having an output format using the other information extracted from the input media information** (Motion Vectors –MV- are supplied and used in 194 of compression block 250); **and**

a rate control unit to adjust a bit rate of an output from said compression block by adjusting quantization parameters (Fig. 2, quantizer 175, quantization level Q2 is controllable by the user and changes the output rate; Col. 4, lines 45- 49).

Moroney does not disclose

**a digital to analog converter coupled to an output of said device;
an analog to digital converter coupled to an output of said digital to analog converter;**

However, Fedele, in analogous art, discloses: **a digital to analog converter coupled to an output of said device** (Fig. 1, the digital data form 110 is converted by 120 to analog YIQ; Col. 3, lines 10- 15); **an analog to digital converter coupled to an output of said digital to analog converter** (150, Digital NTSC Interface, Col.3, lines 15- 23);

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Moroney with Fedele's invention in order to have an analog intermediary signal to be supplied to analog receivers and offer transcoding possibilities for a variety of video formats.

11.1. Regarding claims 18 and 19, Moroney discloses that the transcoder is used to convert the input signal from one format to another, or maintain the same format while changing other parameters of the signal. (Col. 3, lines 25-35, and Col. 5, lines 13-23)

11.2. Regarding claim 21, Moroney discloses **wherein the input media information is encoded, and wherein the device includes a decoder to decode the encoded input media information to generate intermediate media information**, Fig. 2 the "bits in" stream is encoded and goes through decoder section 210, generating an intermediate decoded stream between elements 130 and 160.

11.3. Regarding claim 23, Moroney discloses **a storage device to store the output media information from the encoder**, Fig. 4, the output of transcoder 427 is stored at 470; Col. 7, lines 3- 33.

12. Regarding claim 24, Moroney discloses **a method, comprising:**
obtaining at least motion vectors from an encoded video stream (Fig. 2, decoder section 210, MVs are extracted at 115); and

to generate an output video stream using the motion vectors obtained from the encoded video stream (Motion Vectors –MV- are supplied and used in 194 of compression block 250); **and**

adjusting a bit rate of the compressed digital stream by adjusting quantization parameters (Fig. 2, quantizer 175, quantization level Q2 is controllable by the user and changes the output rate; Col. 4, lines 45- 49);.

Moroney does not disclose **decoding the encoded video stream to generate an analog video stream; and**

encoding the analog video stream to digital output stream.

However, Fedele, in analogous art, discloses: **decoding the encoded video stream to generate an analog video stream** (Fig. 1, the digital data form 110 is converted by 120 to analog YIQ; Col. 3, lines 10- 15); **and encoding the analog video stream** to digital output stream (150, Digital NTSC Interface, Col.3, lines 15- 23);

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Moroney with Fedele's invention in order to have an analog intermediary signal to be supplied to analog receivers and offer transcoding possibilities for a variety of video formats.

- 12.1. Regarding claim 25, Moroney discloses **wherein the obtaining further includes obtaining quantization data and picture data from the encoded video stream**, Moroney discloses that picture data, including quantization, is obtained at 115 (Fig. 2); also see Col. 4 line 6- Col. 5, line 23 .
- 12.2. Regarding claim 26, Moroney discloses **controlling a rate of the encoding using the quantization data and the picture data**, picture information from 115 is supplied to encoder/compressor section 250 at 194 via link 220. Also see Col. 4 line 6- Col. 5, line 23.
- 12.3. Regarding claim 27, Moroney discloses **storing the output video stream**, Fig. 4 ,the output of transcoder 427 is stored at 470; Col. 7, lines 3- 33.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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